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REMARKS,

On a Pamphlet, entitled

A MIRROR, &c.

(Written by C—S L——S, M. D.)

Drawn, from the PROCEEDINGS
of a GENERAL COURT MARTIAL,

O N

The TRIAL of an APPEAL,

Brought before Them by

DAVID BLAKENEY, Matross.

A L S O, A N

A P P E N D I X,

C O N T A I N I N G,

The COPIES of several DEPOSITIONS, &c.

The whole, designed as an ANSWER, to the
many false and groundless Assertions, imposed on the
Public as Facts, by that Candid AUTHOR.

BE JUST, AND FEAR NOT.

SHAKESPEARE.

D U B L I N :

Printed, and sold by the Bookfellers and Hawkers.

MDCCLXVIII.

REMARKS, &c.

THE D—r begins, by endeavouring to prejudice his Readers against the Mode of Trials by Courts Martial; and attempts to prove, that Officers are not properly qualified to sit as Judges, because, says he “There is no Class of Men in the State so likely to be unacquainted with the Liberties and Rights of the Subject, or the Laws on which they are founded, and by which they are fended and secured, as the Gentlemen of the Army; for they seldom read any other Law Book but the Articles of War.” Allowing all due weight to the D—r’s Objection, his Argument may be thus fairly stated.

The Articles of War contain all the Laws relative to Trials by Courts Martial. The Gentlemen of the Army seldom read any other Law Book but the Articles of War; — Therefore they are not properly qualified to try Delinquents by those Articles. — I wish the D—r would read some Books of Logic, as this might prevent his reasoning so weakly for the future. He might as well say, that a Physician was not properly qualified to prescribe, because he seldom read any other Books but such as suited his Profession.

If the D—r means to insinuate, by their not reading any other Law Books, that they do not study those Authors who treat of the Constitution and Government of their Country, and of those Privileges which are the peculiar Rights of free Subjects, he only shews how little he is conversant with the Gentlemen of the Army. A Knowledge, limited to these Points, is a proper Accomplishment for every Gentleman, and in which, Officers are not at all defective; many of them are Men of Abilities, and most of them have received a liberal Education. But I must confess they seldom read *Coke* upon *Lyttleton*; and I believe the D—r is the first, who ever found fault with the Jurisdiction of Courts Martial, because the Members were not Lawyers.

Besides

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Besides, says the D—r “ They are seldom called on in the “ Ministration of Justice.”—— That is, because they are not Residents, and are every Moment liable to be called on a different Service; so the D—r concludes (in his usual way) that because they seldom sit on petty Juries, or serve their Country as Constables, Directors of the Watch, or Church-Wardens, they are therefore unqualified to administer Justice on a Court Martial.

After such a Preface, we should not be surprized at the D—r’s Strictures on the Proceedings of some late Courts Martial.

—— But, it should be consider’d that Lord *George Sackville* was disgraced, in Consequence of Duke *Ferdinand’s* Orders, immediately after the Battle of *Minden*. It was from the Tenour of those Orders he was condemned, in the Opinion of every one in *England*, before his Arrival. It was in Consequence of these Orders, he was stripped of his Military Employments by the King.

Could Lord *George* pay a higher Compliment to the Integrity of the Army, than by repeatedly applying for a Court Martial, after he had been dismissed the Service? Had he been afraid of the Injustice of one, would he have consented to be tried by it; would he not rather have protested, as the D—r has done, against the Legality of it, contrary to the Opinion of the most eminent of the Law, who agreed, that a Court Martial had a Right to try him?

Besides, it is more than probable, notwithstanding the D—r’s Censure on this Court Martial, that Lord *George*, who was the Subject of it, thought he had not sufficient Reason to call their Judgment in Question. For we can hardly suppose that a Person of his Abilities, and powerful Connexions, would have remained quiet, under the Ignominy of such a Sentence, had he deemed it unjust. And it does not appear that he ever brought any Actions or Complaint against his Judges.

The supposed Criminal, “ says the D—r, was attended with this, among other aggravating Circumstances, that he was tried by a Court of Officers, whose Tenure of their Commissions, stood on the same fragil Footing, with that of his Lordship. He had an undoubted Right to dismiss any Soldier his Service, what then was the Court to try? Nothing less than whether the Sentence of the great Commander was just or not.”

Here we see what an Opinion the D—r entertains of the late King, and the Court Martial, which tried Lord *George*.

—— It is evident he would be understood to mean, that the Members, tho' on Oath, would not do Justice to Lord *George*, as they were apprehensive of losing their Commissions, if they deviated from that Sentence, already passed on him, by the King. — And also, that his late Majesty, would certainly have dismissed them his Service, if they presumed to act from the Dictates of Honour and Conscience.

I hope the Members of *Blakeney's* Court Martial will consider this Remark, as an Apology for the D—r, and not cherish too contemptible an Opinion of him, for his illiberal Abuse of them. It is really his Nature, the poor Man can't help it; he only treats them in the same way he has done their Superiors, and they should esteem it a Compliment.

If some of the Members on Mr. *Byng's* Trial desired to be released from their Oaths of Secrecy, it was in Compliance with the Clamours of the Nation, that wanted to know the Circumstances, which induced them, to recommend him to the Royal Mercy.

As to the Trial of Colonel *Lambert*, I have never seen it, but can not help doubting the Truth of the Circumstances the D—r sets forth, as it is arraigning the Justice and Judgment of his late Majesty, in appointing Colonel *Cary* one of his Aids du Camp.

It would have been more to the D—r's Purpose, if he could have produced an Instance of a General Court Martial being censured by a Court of Law; those he has mentioned, the one, a Regimental Court Martial, the Members of which, were not sworn, the other, held by the Navy Officers, not being applicable to the Case before us.

I am also really concerned, to see the D—r descend so much from that grave and sententious Style, which has always characterized his Writings, to set up for a Man of Humour, and facetiously observe, that the *British* Admiral was shot, as a *Frenchman* humourously expressed it, *pour encourager les autres*.

Again, in his Observations on Colonel *Lambert's* Trial, he says "Colonel *Cary* confessed the Truth, apologizing, no doubt, very properly, that the Wind of a Cannon Shot had knocked him down, for a considerable time."

These Flights are really unbecoming the D—r's Gravity, and I wish he would suppress them for the future.

As he seems so fond of Fables and idle Stories, I would recommend to his perusal, the old Apologue, of the Ass's attempting to mimick the Tricks and Gambols of the Lap-Dog.

Dog. The poor As's Performance, indeed, was very awkward, he was cudgelled for his Pains.——I leave the Application to the D—r's Sagacity.

All his Declamation about Courts-Martial, only proves, that they are not infallible; a Point, I believe, that was never contested.

The Articles of War, Sect. 21, allow any Officer or Soldier tried by a Court-Martial, to bring Actions, Bills, Plaints and Suits against any Member or Minister of the Court, in respect of any Sentence of such Court, or of any thing done by virtue, or in pursuance of such Sentence.

“ But this the D—r justly observes, does not argue a particular Diffidence in Courts-Martial. The Wisdom of our Laws has ordained a like watchful Eye to be held over all the Common Law Courts, &c.”

Here, by the D—r's own Confession, Courts Martial are put on the same Footing; in Respect of Appeals, with the Civil Courts. That, Appeals have been sometimes made, and the Proceedings of Courts Martial censured, fixes no particular Stigma on them. We see the same thing happen every Day in the Civil Courts; and even the Decrees of Chancery are often reversed, by that supreme Court of Judicature, the House of Lords.

I am obliged to take Notice of a strange Assertion in the D—r's next Paragraph, where he says “ That Officers are often the Judges and Prosecutors of those Soldiers who are so much their Inferiors, &c.”

The D—r would fain persuade the Public, that an Officer may prosecute a Soldier at a Court Martial, and at the same Time sit as one of his Judges.——Now, this is a gross Misrepresentation, as every one in the least informed of the Mode of Trials by Courts Martial, knows——I would rather ascribe this Error to his Ignorance than Malice, but as he has given so many Instances of both, I am at a Loss how to determine.

“ While I have the Honour of a Seat in the Legislature, says this Patriot, I shall think it my Duty to give the best Attention I can, to those Matters, in Order to use my best Means to procure an Amendment of the Martial Laws.”

By this, the D—r would inform us, that he will endeavour to get an Act passed in the Parliament of *Ireland*, to correct those Errors, which his Penetration has discovered in the Mutiny Act.—An Act, passed by the Legislature of *Great Britain*.—Excellent Politician!——

Let us now observe how candidly he introduces *Blakeney's* Case to the Public.

"The Reports that shocked my Ears were, that a Matross for complaining of Grievances and Hardships, instead of receiving Redress, was himself punished for complaining, and ordered to receive five Hundred Lashes from a Number of the most *able bodied Drummers* in the Barracks, from that very Court wherein he appeared as a Prosecutor, not as a Delinquent. Vide Sentence App. p. 56.

The D—r should have said, that he was punished by the Sentence of a General Court Martial, agreeable to the Articles of War, because it appeared to them that his Complaint was vexatious and groundless.

Whether this Sentence was just or not, is I think the whole Matter in Debate? If the D—r had confined himself to discuss this Point with Candour and Impartiality, nobody could have blamed him. But till he was acquainted with the Proceedings of the Court Martial, and the whole Evidence on which their Sentence was founded, it was impossible for him even to do this: His attempting it (without such Information as that alone could give) shews an intemperate Zeal, and a Forwardness to censure the Conduct of a Set of Gentlemen on Oath, merely from the Accounts he received from *David Blakeney*. He might as well pay a Visit to *Newgate*, pick up a melancholy Story from one of the Convicts, and without making any further Inquiries, sit down, and write a virulent Invektive against the Judge and Jury that condemned him.

It is remarkable, that the D—r, the better to convey some scandalous Hint to the prejudice of Military Gentlemen, always prefaces it with an affected Compliment; for Instance, "However confident I might have been in the Honour and Humanity of the Officers of the Army in general, I judged this Story demanded Attention, and I straightway resolved to learn the Truth."

In another Place he says, "I hold the Gentlemen of the Army in general, in high Honour and Estimation, being perfectly sensible of the many Obligations we owe their Virtue and Valour, notwithstanding the numberless violent Outrages upon the Civil Power, all over the Kingdom, and particularly in this Capital, committed by the Soldiery."

He uses this Art to varnish his Scurrility, and make it more palatable to his Readers.——I suppose he borrowed this Device, from seeing poisoned Balls thrown to Dogs,

which are smeared with Grease that they may be more readily swallowed.

The D—r assures us, he straitway resolved to learn the Truth.——I can only say, that it is a Pity he broke so good a Resolution.

To avoid the Penalty of Mutiny, says he, which must follow a Complaint of a Number of the Men, they unanimously pitched on *David Blakeney*, a Matrofs, to make the Complaint in his own Name, which he readily undertook, conscious of Truth and his own Innocence.

Here the D—r, to make a Falsehood more plausible, runs into an Absurdity. He would also have us believe that the Regiment chose *David Blakeney* as their Representative, and that he only spoke the Sense of his Constituents in his Complaints. But it unfortunately happens, that *David* was *single*, and not *seconded* on the Occasion, tho' like the D—r, he still persisted in his *Motion*, and bid Defiance to Shame and Conviction.

But, it could not be for the Reason the D—r mentions, that they pitched on the Complainant: For it was never known that a Number of Men, merely by complaining, and respectfully informing the Commanding Officer, of their Grievances, were punishable for this, by the Mutiny Act.

I hope the D—r will allow *Blakeney's* Evidence to be valid on this Occasion.

When the General Court Martial had gone thro' the Evidence on both Sides, and had ordered the Court to be cleared, that they might proceed to give their Opinion on the Case before them, the Matrofs *David Blakeney*, returned from the Door, and desired Permission of the Court, to say something, which being granted, He did in the most solemn Manner, laying his right Hand on his Breast, declare by Virtue of the Oath which he had taken, That not a Man of the Regiment of Artillery, was concerned with him, in the Complaint he had made, or had joined him in the Prosecution of that Complaint. It is now submitted to the Public, whether the D—r's Assertion or *Blakeney's* Oath is to be credited. The Complainant also added an earnest Request, that if the Court ordered him a Punishment, it might extend to his Life. From this, we may naturally conclude, That conscious how weakly he had supported his Complaints, he was already apprehensive of the Consequence of his Appeal. Vide Dep. No. 3.

I heartily wish the D—r had taken some Pains to understand the Subject he writes on, for it is very disagreeable to trace him thro' all his Blunders. If he had even condescended

to read the Articles of War with some Attention, it would have been of infinite Service to him.

It is observable, says the D—r, “ that the Regimental Court Martial, which was appointed to determine the Rights and Property of a Soldier, was not sworn. — It was therefore objected to, by the Complainant, but to no effect; his Objection was over ruled, and they proceeded to Sentence.”

In the first Place, there was no such Objection made by the Complainant; even if there had, it must have been deemed impertinent. For there is no Oath required from the Members of a Regimental Court Martial. An Oath is prescribed for the Members of a General One, by the 5 Sect. of the Mutiny Act.

“ Provided always, That in all Trials of Offenders by General Courts Martial, to be held by Virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall be sworn before the Court and Judge Advocate, or his Deputy (who are hereby authorized to administer an Oath) in the following Words, &c.”

By this, the D—r might have seen, that there is no Oath specified for the Member of a Regimental Court Martial, nor any Person authorized to administer one.

Thus it is evident, that the Legislature has thought proper to invest them with a Jurisdiction (not extending to Life or Limb, A. 3. P. 11) without the Sanction of an Oath.

Now follows the D—r's Inference. “ It was apprehended, says he, that if the Court was not legally qualified, it could have no competent Jurisdiction. But, as I have proved that it was legally qualified, it consequently had a competent Jurisdiction, and so the D—r must give up this Part of the Argument, even on his own Principle.

Let us now examine the several Articles of Complaint given in, by *David Blakeney*. I shall set them down in his own Words, as delivered to the Regimental and General Court Martial. — It will then appear evident, that the D—r has added to some, and dressed up others, as might best suit his Purpose. For, thro' every Part of his Pamphlet, he has omitted no Opportunity of misrepresenting, and exaggerating Matters. Conscious of the weak and bad Cause he had undertook, he was ashamed and afraid to acquaint the Public with the whole Truth.

1st ARTICLE. “ That there has been the Deduction of one Halfpenny per Week made out of his Pay, he having never received more than five Shillings and Sixpence, and that by the Marquis of *Kildare's* recruiting Instructions, he should

receive five Shillings and Sixpence Halfpenny, and that he has never been paid or accounted with for the odd Halfpenny.

Col. *Chenevix* deposed, that this Stoppage was made, agreeable to an order from the Lords Justices, dated the 29th July, 1757, signifying his Majesty's Pleasure, that a Stoppage of 2.d. for every 28 Days Pay, should be made from each Man in the Regiment of Artillery, on the *Irish* Establishment, to be paid Monthly to the Royal Infirmary.

Now, every Order of Government is constantly inserted in the Regimental Books, and read to the Men of each Company; of Course, *Blakeney* might have known by what Authority this Stoppage was made. The D—r may allege, that the Complainant was not in the Regiment when the Order was given out; but tho' he was not a Soldier at the Time, there must have been many in the Regiment who were, and who would have informed him, if he had chose to enquire. This is an additional Proof, that *Blakeney* modelled his Complaints himself, without the Concurrence of his Comrades; for if he had acted in concert with them, he must have been better informed, and would not have complained of his Officers, when they only acted in Obedience to his Majesty's Orders.

As another corroborating Circumstance, I shall quote the Opinion of the Regimental Court Martial, on this Article.

“ The Court having taken into Consideration, the Charges made by *David Blakeney*, do admit the first Charge to be true, being in Consequence of his Majesty's Order for Medicine Money.”

Here, the Appellant was told the Reason of this Stoppage, and must have known that it was agreeable to the Articles of War; yet not satisfied with that, he still persists in his Obstinacy, and complains of this very Article *again*, before a General Court-Martial, and D——r L——s exclaims against them, for finding this Part of his Complaint, vexatious and groundless!

Where else, could the D—r have found such a Client, or the Client such a Patron and Advocate?

2d ARTICLE. “ That tho' he has served near three Years, he never received either Money, or any Value, for Utensil Money.

Now, it appeared before the General Court Martial, that *Blakeney* had never complained to the Commanding Officer, for not receiving Utensil Money; and that when Major *Stratten* knew that he made it an Article of Complaint, before the Regimental Court Martial, he ordered him immediate Payment,

ment, even for the Year 1765, tho' he was not intitled to it, as he had only served eight Months of that Year, and the Man he succeeded had received it. See Deposit. No. 18, 19.

It was also proved, that there was two Years Utenfil Money due to the Regiment, but not yet issued by the Board of Ordnance.

Let the Dispassionate and Unprejudiced judge, whether the D—r has Reason to call this, an *ex post facto* Payment, when it is evident, that the Commanding Officer gave the Complainant Redress, even for an imaginary Grievance. I call it imaginary, because he was not entitled to any Utenfil Money for the Year 1765. This is a striking Instance of the Generosity and Indulgence with which *Blakeney* was treated.

Even supposing it a Grievance, he should have first applied to the Commanding Officer for Redress, before he made it a Charge at a Court Martial. But as he did not choose to follow this proper Method, was the Commanding Officer, by the Impudence and Neglect of the Complainant, to be precluded from redressing a Grievance, when he was first apprized of it? and is the D—r justified in calling this hush Money, and throwing an Odium on a General Court Martial, for finding this Article of Complaint groundless?

N. B. The Allowance for Utenfil Money is about nine Pence Halfpenny *per Annum*.

For my Part, I am convinced, that the D—r's Attachment to this *David Blakeney*, springs from a similar and seditious Turn of Mind in them both. Their Tempers are congenial, and it is no Wonder the D—r sympathizes with his Friend, who has acted on those Principles which have always distinguished himself. It is therefore, as natural for him to support so promising a Pupil, as it is for a Snail to stick close to its own Slime.

3d ARTICLE. " That on his coming or entering into the Regiment, he received an old bad Coat, and in some time after, a new Waistcoat and Breeches, for which Breeches he was forced to pay six Shillings and six Pence, by two Shillings a Week, stopped out of his Subsistence.

The Complainant declared before the Court, that he was satisfied in respect to the Coat. Col. *Cbenevix* admitted the Charge as to the Breeches. — It being the Custom, to provide Recruits with uniform Breeches, when they join the Regiment, the Board of Ordnance not allowing new Breeches for them; and the Men discharged are allowed to take away the old ones,

We

We see that even *David Blakeney* was convinced that his Complaint for not receiving a new Coat, immediately on joining the Regiment was unreasonable, and as a Proof of Conviction, declared he was thoroughly satisfied in regard to it.

As the Board of Ordnance does not allow new Breeches for the Recruits, I believe few People will think it unreasonable, that a Commanding Officer should oblige them to furnish themselves; for otherwise they must go without them: Their being uniform, exclusive of Appearance, is also an Advantage to the Men, as a large Quantity of Cloth, particularly provided for this Purpose, is always bought at a cheaper Rate, than if each Man was to buy just what was sufficient to serve himself.

I have stated the Appellant's Complaint in his own Words; I shall now do the same for D—r L—s's; for his Articles do not always coincide with his Client's.

“ That instead of *full Cloathing appointed by his Majesty*, this Complainant got but an old bad Coat, &c.

Now, many People have been weak enough to believe the D—r, and imagine, that every Recruit is intitled to new Cloathing on his joining the Regiment; But that the Colonel takes Advantage of his Ignorance, gives him an old shabby Coat, and so makes a Perquisite of the new one.

It is proper therefore to explain this: There is Cloathing furnished for every Regiment once a Year. When any Soldiers die, or are discharged, and the Vacancies filled up, before the next Cloathing becomes due, the Recruits can only be supplied with the old Coats of the former Men, which are kept in Store for that Purpose.

What Trouble would it have saved the D—r if he had been acquainted with this, and some other Particulars, before he wrote the M—r for Courts-Martial! I hope he will be candid enough in his next Edition, to take Example from *David Blakeney*, and make an Apology for his Mistake: His great Abilities lead him astray, he thinks he can shew most Ingenuity by defending a bad Cause, and for that Reason generally chooses one.

I really pity him, and am not one of those who allow him no Merit. For I am convinced, that if he would take some Pains to understand the Subject he writes on, pay a proper Regard to Truth, study his Grammar and correct his Style, he would not be so totally unqualified for an Author, as some prejudiced People imagine.

4th ARTICLE. “ That there has been the Deduction of one Halfpenny *per Week* made in his Pay, from *May 1765*,
until

until July 1766, which was said to be for the Use of the Infirmary.

Col. *Chenevix* deposed, that this was done by the Duke of *Leinster*, then Master General of the Ordnance, who established an Infirmary, and on the 6th of *February*, 1765, gave out an Order, that one Halfpenny *per* Week should be stopped from each Man, and paid the Surgeon of the Regiment, to provide the Sick with Wine, Sugar and Spices, and such other additional Medicines as might be proper, which Order was given out publickly, and this Stoppage was discontinued when the Infirmary was laid aside in *September*, 1766.

Here, we see a trifling Stoppage was made from the Men, to enable the Surgeon to keep up a Regimental Infirmary; to have the Soldiers constantly under his own Care, and supply them with such costly, but necessary Medicines, as they must otherwise have wanted.

Surely an Establishment of this Sort, must be acknowledged to be particularly calculated for the Sake of the Men, and instead of being a Grievance, shews the Humanity, Tendernefs and Care of the Colonel who ordered it.

5th ARTICLE. " That he received no Half Mounting Money, in Money, Goods, or any Sort of Value, until he was a Year in the Regiment, and then he only received five Shillings, tho' he got the Cloaths above mentioned, and another Suit.

Col. *Chenevix* admitted the above Article, and deposed that (with the Approbation of the Duke of *Leinster*, then Master of the Ordnance) he had made it a Regulation, some time in the Year 1762, that every Man who had been one Year in the Regiment from the 14th of *August* (which was the Day of Cloathing) should be entitled to full Half Mounting Money, and as ten Shillings, is the full Sum, the Complainant received five Shillings, which was his Proportion, the other five, being paid to the Man that he succeeded.

Now, what could be more equitable than such a Regulation, that proportions the Half Mounting Money to the time of each Man's Service?

If a Soldier had only served Half a Year, and was then discharged, he was advanced five Shillings of the Half Mounting Money, (which was not paid to the Regiment, 'till the next Cloathing,) and consequently the Person who succeeded him, could only be entitled to the remaining five.

The

The whole Sum, which is an annual Bounty, being equally divided between the *two*, who had completed a Year's Service.

6th ARTICLE. " That there has been the Deduction of one Pound two Shillings and nine Pence, made in his Pay, in the Year 1765, for a Pair of Leather Breeches, and the Deduction of thirteen Shillings and six Pence in the Year 1766, for another Pair of Leather Breeches.

The Grievance here complained of is this: — As Experience shewed, that the Blue Cloth Regimental Breeches would not last a Year, the Men were necessarily obliged to buy Breeches for themselves. The Colonel ordered Leather ones to be bought, as he knew they were the most lasting, and consequently cheapest.

The Reason why the Complainant was stopped one Pound two Shillings and nine Pence the first Year, was, because he chose Buckskin. The Colonel having entirely left the Choice to the Men themselves, as the Complainant acknowledged.

Now it is very well known to every Body in the least conversant with Military Matters, that the Officers are obliged to provide the Men with Shirts, Shoes, Stockings, &c. and often advance large Sums for this Purpose, and the only Way they can be reimbursed, is by putting the Soldiers under weekly Stoppages.

Without this, few of them would be prudent enough to provide themselves. It is very troublesome to the Officers to do so, and certainly can be of no Advantage. Yet even this is not practised indiscriminately: For as there are some of the Soldiers in every Regiment, who can be depended on, their Subsistence is always paid them without any Deduction.

I shall give a convincing Proof of the Officers Disinterestedness on this Subject.

It is a known Practice in every Regiment ordered for *America*, to buy a large Quantity of Linen, several hundred Pair of Shoes, Stockings, &c. as they are almost *Cent. per Cent.* cheaper here, than they could be provided there. By this Means, the Men are furnished with these Articles, at first Cost. This shews that Generosity and Love of the Soldiers, which has become the Characteristic of *British* Officers. They are not obliged to advance Money for these Necessaries, and nothing could induce them to it, but a Regard for the brave Men intrusted to their Care. Supposing they did not choose to do so; neither the

D——r or *David Blakeney* could complain of it as a Grievance, tho' they were forced to pay the current Price of the Country, for what they wanted.

Such is the conduct of those Gentlemen whom the D——r in general, represents as Tyrants and Oppressors!—

7th ARTICLE. That there has been the Deduction of Eight Shillings and nine Pence, stopt for a Buff coloured Waistcoat.

The Court, says the D——r, in their Sentence, admit the Charge of the Buff colour'd Waistcoat to be a Grievance in the strongest Terms, to wit. “ The Court finds that with Respect to the Seventh Article of the Charge, the stoppage made from the Complainant on the said Article, was a Grievance, as being unnecessary; the Cloathing of the Royal Regiment of Artillery being ascertained by his Majesty, and thought sufficient.”

Then follows this pithy Observation. “ Hence, it is easy to Judge, whether or not Justice is done to the Corps in general, or to the Complainant in particular. And whether the Complaint can be judged vexatious or groundless, which alone can bring the Complainant or Appellant under the Censure of the Court-Martial, according to the 12th, Section of the Articles of War.”

Now this Remark, which the D——r undoubtedly supposes unanswerable, is the strongest Proof of the Justice and Impartiality of the Court-Martial.—Their confirming this Article of his Complaint, clearly shows how well inclined they were to redress any of his Grievances, and from this very Circumstance, we may reasonably conclude, that if the other Articles of his Charge had been equally supported, they would have been treated with the same Candour and Equity.

But because this Article is allowed, the D——r triumphantly asks, whether the Complaint can be judged vexatious and groundless?

He attempts to confound this Article with the others, and would insinuate, as if the Court had included it in their Sentence, and considered it as vexatious and groundless. Tho' indeed the Distinction was so very obvious, that I am surprized how he could overlook it? perhaps he means, that because the Appellant made good one Article, that it was therefore unjust to stigmatize the others as vexatious and groundless, and punish the Complainant for his Appeal.

He must either have one of these Meanings or none at all. But I have too good an opinion of his Parts to suppose the latter.—I shall therefore beg leave to ask him one Question, which is applicable to the present Subject.

Suppose a Person tried in a Civil Court for three different Crimes, and only convicted of two of them; would it be unjust and illegal to punish him for those two, because he was acquitted of the Third.

But as the D——r has displayed all his Oratory on this Topic, let us again listen to him in his own strain.

“ Therefore the pronouncing the Complaint vexatious and groundless, became a superlative additional Grievance, repugnant to the Spirit of the Military Law, and to every Principle of Common Law and Justice.”—The D——r should have considered, that every Article was equally a Part of the Appellant’s Complaint; and if it did not appear that he had sufficient Reason for each one, it must be deemed vexatious and groundless, and consequently punishable by the very Words and Spirit of the Military Law.

“ But, continues the D——r, while any Part of the Complaint was confessed to be true, and well founded, the Appeal could not justly be said to be vexatious and groundless, consequently the Censure must be arbitrary and illegal.”

The Fallacy of his Argument consists in this, he would have his Readers consider the Appeal, without reflecting on the several Charges that composed it; and so by quibbling on a Word, would confine every Article of the Complaint to that single one, which the Court judged to be a Grievance.

To shew the Absurdity of this Argument, in a stronger Light, let us suppose the Court-Martial had been of the same Sentiments with the D——r.—Their Sentence must have run thus.

The Court finds, that with respect to the seventh Article of the Charge, the Stoppage made from the Complainant was a Grievance, as being unnecessary, &c.—And therefore, in Consideration of his having proved this, they likewise admit all the other Articles of his Complaint to be Grievances: For tho’ it appeared by Evidence produced before Us, that he had no just Cause of Complaint as to those Articles, yet his having proved the Seventh, alters the Nature of the rest, and tho’ they are undoubtedly vexatious
and

and groundless ; yet we can by no Means admit them to be so ; for it is our Opinion that the Seventh Article contains in itself, the *Effence* of all the rest. We therefore include all the Complainant's unjust Charges in the Seventh Article, and as We find that one to be a Grievance, We think all the others must be equally so.

But, says the D—r, if this and other Confessions of Stoppages and Alterations of Pay and Cloathing want further Proof, let it be remembered, that it was proved by the Adjutant of the Regiment, on the Floor of the House of Commons, that the whole Corps was under Stoppages, at two Shillings a Week out of their Subsistence.

Let it also be remembered, that the Subsistence of a Matrofs is five Shillings and six Pence Halfpenny, which wants but five Pence Halfpenny to be double the Subsistence of a private Centinel in a Marching Regiment,—Consequently such a Stoppage when Necessity requires it, which leaves six Pence Halfpenny per Week more than what the Legislature has deemed sufficient for the Subsistence of another Part of the Forces, cannot be looked upon as unreasonable.

8th ARTICLE. That there has been a Deduction of two Shillings for a Hat, and also two Pence for Feretting to tie the same.

It appeared to the Court that the Complainant had a plain Hat of his own, which he said was bad ; that it was the Custom of the Regiment formerly, to wear the Hat the first Year, with the Lace on, the next year to take it off, clean the Hat, and wear it plain. But as Col. *Chenevix* found that a plain Hat was a disadvantage to the Appearance of the Regiment, and too bad to be wore by a Soldier, at the latter End of the Year, and thought that the laced Hats which were then in Store, would be very much abused by the long Gun and Howitzer Exercise, which the Regiment was then carrying on in the Park, and intending for the future to have a full Suit of Hats and Cloathing in Store for the Men ; He therefore (by the approbation of Lord *Shannon*) ordered small coarse Hats to be bought for the Regiment, by which Means they would, for the future, always have laced Hats to wear. Beside, the Complainant had no Hat due to him as he alleges, it not being his Due till the 14th of *August* following.

I will willingly refer it to the judicious and impartial,—whether a small Expende of this Kind, designed for the Ap-

pearance and Credit of the Regiment (and which was only to last for one Year) could be reckoned a Grievance.

One Part of the Complainants Evidence was proved to be false, as he had not a Hat due to him at that Time.

Further, as the King's Letter, fixing the Cloathing of the Royal *Irish* Regiment of Artillery, mentions nothing of Hats, this Point of Dress is consequently left to be regulated at the Discretion of the Commanding Officer.

9th ARTICLE. That the Deduction of one Half-penny per Month, has been made in the like Manner, which was said to be for cleaning the little House.

It appeared to the Court, that a Number of the Men of the Regiment, in the Name of the Whole, had applied to the Adjutant, to request that Col. *Chenevix* would consent to allow the above Stoppage to be made, in order to pay a Man to keep the Necessary House clean, which the Col. allowed. As the Man then became the Servant of the Regiment, of course it was their Business to make him do that Part of his Duty.

The Regiment never complained to Col. *Chenevix* that the Necessary House was not kept clean, till *October* last, at which time the Col. desired, that the Man should be discharged, and the Stoppage discontinued, which was accordingly done.

The Complainant acknowledged, that he thought this was a very sufficient Reason for the Stoppage, and desired leave to submit it to the Court, he not knowing that the Men of the Regiment had applied to the Col. for that Purpose, nor was he in the Regiment at the Time the Application was made.

I believe even the D——r will agree with the Appellant, and allow, that “this was a very sufficient Reason for the Stoppage.”

I shall only take Notice of the Improbability that the Complainant could be so long ignorant of this, as it was done at the Request of the whole Regiment.

And how litigious, foolish and obstinate was it for him, to trouble both a Regimental and a General Court-Martial with such a frivolous Charge.

11th ARTICLE. That there has been the Deduction of two Shillings per Week, made since the 26th of *September* 1767, which was all for a Frock, except two Shillings and seven Pence for the making of Regimental Breeches, and one Shilling for Ribband to tie his Hair.

Col.

Col. *Chevenix* acknowledged, that having observed for a Year or two past, that most of the Regiments on this Establishment, were furnished with Frock Coats, to save their Regimental Cloathing, was of Opinion, that so useful a Method should be adopted for the Regiment of Artillery, that they might always appear to the same Advantage with other Corps; he therefore ordered cheap Frock Coats to be bought for the Regiment, and the Men to be put under Stoppages for them.

Now it appeared to the Court, that Col. *Chevenix* when he had heard, that the Men of Capt. *Betworth's* Company, had objected to the Frock Coats, desired they might choose three of their Comrades, and send them to him, that he might acquaint them why he thought it expedient, and for the good of the Regiment.

After he had explained his Reasons to them, they appeared perfectly satisfied, and only objected to the Manner in which they were to be made up. The Col. to indulge them, left it intirely to their own Option, whether they would choose long or short Skirts.

Surely their Objection to the Manner of having them made up, proves their consenting to have the Frocks, otherwise there would have been no dispute about it.

Mr. *Blakeney* was insolent enough on this Occasion, to object to short Skirts, because the *Gentleman* imagined it would make him look—like a *Foot Soldier*. And for this Reason, the Question was carried by a great Majority for long Skirts, tho' it was an additional Expence of three Shillings and nine Pence to each Man.

A Regimental Order was produced to the Court, which directed the Men to bring their old Coats to be examined, that if found proper, they might be converted into Frocks. By this it appears, that whatever Grievance *Blakeney* suffered by the cost of the Frock, he might have avoided it, by paying that Obedience which the Law requires, to the Orders of his Commanding Officer, instead of presuming, in the most impudent Manner, to explain that Order, quite different from the Meaning of the Officer who gave it out, and quite different from the Manner in which it was understood and obeyed by the other Men of the Regiment; a presumption which justly rendered him liable to a severe Punishment; and shews the very great Indulgence and Tendernefs of his Officers in not inflicting it.

11th ARTICLE. That the Cloathing which became due in *August*, was not permitted to be worn above two Days; when they were taken from the Men, and locked up in the Stores, where they have been kept ever since from the Complainant and the rest of the Men.

I need say little on this Article, as I suppose few will think it unreasonable in a Commanding Officer, to preserve the Cloathing clean and in good Order, for the Credit of the Regiment.

One might imagine, that the Complainant intended to prove, that there was a Design to cheat the Soldiers of their Cloathing. But so mighty a Grievance only Amounts to this, that they were not permitted to spoil and fally their new Coats, as soon, and in what manner they pleased.

12th ARTICLE. He will prove that there are several Men mustered in the Regiment as Soldiers, who at other times wear a Livery, and do not actually do their Duty as such; and that there is a Man mustered by the Name of *John Robinson*, who has neither done Duty, nor appeared in Regimentals at Muster.

As this Article is answered in the most satisfactory, sensible and explicit Manner, by Col. *Chevenix*, in his Paper addressed to the Court Martial, I shall here give an Extract from it.

“I come now, Gentlemen, to the twelfth and last Article, which is for false Musters, and I hope I have fully proved to the Court, that the three first Men mentioned by the Complainant, were duly enlisted, did all Duties as Soldiers before they were employed by Officers as Servants, and therefore humbly apprehend, they can not come within the Meaning and Intent of false Musters. As to their wearing Liveries, his late Royal Highness the Duke of *Cumberland* ordered, that no Soldier should ever work in his Regimental Cloaths, and as this Attendance is considered as a Sort of Working, the Officers are obliged to furnish them with Cloaths to wear, when they are thus employed.”

“In regard to *John Robinson*, Son of Lieutenant *Robinson*, Adjutant of the Regiment, complained of, as not being duly enlisted, I hope it will appear to the Court, that it has been the Custom of the Army, even beyond the Memory of any Officer now existing, to allow the Indulgence to Merit and Service, of mustering, as Volunteers, the Sons of Officers, which Custom could not be carried on without the Knowledge of every Commander in Chief, who, I presume, would not have

have allowed these Practices, had they been thought detrimental to the Service."

The Meaning of the seventh Article of the fourth Section of the Articles of War, was to prevent the mustering of menial Livery Servants, but *Blakeney* himself confessed, that he believed these Men were duly enlisted and attested; and it was proved on Oath, that they were so, consequently, it was no Breach of that Article to muster them as Soldiers.

They could not, as if they were merely Servants, by throwing off their Liveries and quitting their Masters, at the same Time quit his Majesty's Service, and go away at their Pleasure. —No; these were to all Intents and Purposes Soldiers; the others, against whom the Law provides, being only Fagots.

The Complainant also applied to the Court, in Support of his Charge, to order the Muster Rolls of the Artillery, for six Months last past, to be laid before them, that he might by them prove his Allegation, that the Men mentioned by him in his Charge for false Musters, were not marked in the Margin, *absent by Leave*, as deposed by Colonel *Chenevix*.

The Muster Rolls being accordingly produced, on reading them, it appeared that the several Men mentioned by the Complainant, were regularly mustered for the said six Months, and properly marked in the Margin, as deposed by Colonel *Chenevix*.

I think it will be pertinent in this Place, to insert two Anecdotes of this Mr. *Blakeney*, as they may give the Public a little Insight into the real Character, and Disposition of the Man.

When Lieutenant *Robinson* of the Royal Regiment of Artillery, was sent by the Court to the Secretary's Office for the Muster Rolls, the Complainant requested, that Major *Sirr*, the Judge Advocate, might allow him to send a Soldier to watch Lieutenant *Robinson*, and take Care that he did not make any Addition or Alteration in the Muster Rolls, in Order to invalidate his Charge.

During the two or three first Days of the Trial, the Appellant was attended by Counsellor *Blosset*, a Gentleman of Eminence in his Profession, who appeared as the Appellant's Counsel—But *David Blakeney* behaved so impudently and insolently, *even to him*, that he refused to appear any longer in his Cause, and so resigned his Client to the humane and generous D----r L----s.

As an Instance of the very respectful Manner, in which the D----r says, the Complainant always applied to his

his Commanding Officer for Redress, I shall here insert one of his Letters to Colonel *Chenevix*, which was produced to the Court, and acknowledged by the Complainant to be his Hand-writing.

Honoured Sir,

I Beg Leave to remind you of the Promise you made on *Saturday* last, *Viz.* That you would give me an Answer to the Request I made at a General Court Martial. It is now eleven Days since I first required it of Captain *Bettesworth*, the Difficulty of getting one is not so great, but it might have been over in a much shorter Time, however, *Sr. I will wait* untill next *Friday*, when, if I hear nothing of it, or does not receive an Answer, I hope you will not take it amiss, if I then do as my Duty and the Tenor of my Cause shall direct."

And am, Honoured Sir,

Your most obed^t. humble Serv^t.

DAVID BLAKENEY.

Chapel Izod, November 4th, 1767.

"But, (says the D----r) The Articles in the Charge, and those in the Sentence do not correspond. How is this to be reconciled? To me it appears, that one or two Articles of Complaint, exhibited in the Regimental Court Martial was suppressed, and not admitted to come before the General Court Martial."

By this, it seems the Complainant had laid before his Defender, the D----r, a String of Complaints, differing in many Circumstances from those inserted in the Paper signed by him, and given in to the Regimental Court Martial.

That Paper seemed originally to contain thirteen Articles, one of which was erased by the Complainant himself, as he acknowledged; so that only twelve came under the Cognizance of the Court Martial. He never informed the Court why he had done so. On being asked how it became erased, he answered, he was satisfied about it, and never once desired it might be examined.—Twelve Articles only, were therefore produced to the Court, and if the D---r will refresh his Memory by perusing their Sentence, he will find they have given their Opinion as to the twelve Articles, beginning with those which seemed most material.

The D----r proceeds:—"The most material of *Blakeney's* Complaints, as the most distressful and intolerable, was his Imprison-

Imprisonment by Order of the Regimental Court Martial. This therefore was one of the great and primary Objects of his Appeal." Vide Deposition, No. 1.

"When this was apprehended by his Officers, he was set at Liberty some Time before the General Court Martial sat, not out of any Compunction or Mercy of that Court, that by no Means appears; but on purpose to elude the Imprisonment's being made an Article of his Appeal."

"And we find this had the like Effect with the *ex post facto* Payments, for this Imprisonment was not permitted to be entered among the Charges, or in any Sort enquired into, or even to appear in the Notes or Minutes of the Court, as I am informed; it being alleged, that the Complainant was released from his Imprisonment before the General Court Martial sat, and this Release was insisted on, and adjudged by the Court to be a sufficient Bar against every Attempt to introduce or plead the Charge of Imprisonment."

Now it happens that not a Syllable of the Imprisonment was ever mentioned to the General Court Martial by the Complainant, or any other Person, so that the D----r's Representation is a gross Falshood.

But I fancy the Reader, by this Time, will not be much surprized at it, as it is so familiar a Custom with him thro' his whole Performance.

"As I am informed," says this candid Author; and in another Place, "as it appeared by the Minutes of a Gentleman of Credit taken at the Court Martial."

This Gentleman, appears to be a Person of as much Credit and Veracity as would suit his Purpose, and who probably knowing that nothing pleased the D----r so well as false and malignant Hints to the Prejudice of the Court, resolved to feast and gratify this charitable Writer. He was sure of a gracious Reception and hearty Welcome, as a Thief is always acceptable to the Receiver of stolen Goods.

"Now let us (continues this Author) take a cursory View of the Propriety, Justice and Judgment of this Sentence. It begins for Regularity, with the seventh Article, which corresponds with the ninth in the Complaint, (that is in the D----r's Complaint) the supernumerary unnecessary Buff Waistcoat, which is confessed to be a Grievance, but attempted to be construed away by Value given."

What determined the Judgment of the Court on that Article was this: As the Cloathing of the Royal Regiment of

Artillery was ascertained by his Majesty, they found the Article of the Buff-coloured Waistcoat to be a Grievance. But what other Redress than that contained in the Sentence could they award him?

They found it a Grievance, they condemned it as such, they ordered he should keep it, as the full Value of the Stoppage made on that Account.

They did not find any Officer guilty of a Breach of the 21st Section of the Mutiny Act, because it did not appear that the Man had been defrauded of any Part of his Pay; nor could they comprehend that what the Commanding Officer (however he might be mistaken) thought necessary for the Matross, and which was deemed a sufficient Value for the Pay stopped, could be construed into a detaining or withholding any Part of the Soldier's Pay, or come within the Meaning of the Mutiny Act.

"But (says the D---r) the Number of the Articles in the Charge, and those in the Sentence of the Court Martial, do not correspond. How is this to be reconciled? To me it appears, that one or two of the Articles of Complaint exhibited in the Regimental Court Martial were suppressed, and not admitted to come before the General Court Martial."

"For as I am informed, when the Commanding Officer gave the Complainant no Redress, and he resolutely, yet respectfully insisted upon his Complaints being judged by a Regimental Court Martial; the Adjutant in the Morning this Court sat, put some Money into the Complainant's Hand, in lieu of the Farthings stopped for the unheard of Carriage of his Pay. And though this was and should have been taken as a Confession of Guilt, and the strongest Proof that could be given of the Truth of the Complaint; yet this Article was struck out of the Charge, and not admitted to come before the Court, but new modelled, as the Judges thought proper, regardless of the Soldier's unquestionable Right to make this an Article of his Complaint, before both the Regimental and General Court Martial."

As a Reply to these two groundless, and false Accusations, Vid. Depositions, No. 1, 2, 3, of the Appendix.

"But it is no Wonder (says the D---r) if some material Articles were permitted to be suppressed and denied the just Adjudication in Appeal; that *Blakeney's* Complaints should be found vexatious and groundless."

What

What conclusive Reasoning! even granting what the D----r advances to be true, tho' it is absolutely false. See Affidavit, No. 1. The Purport of the D----rs Logic is this :

It is no Wonder that the Complaints which came before the Court Martial were deemed vexatious and groundless, as several others were suppressed: But if those suppressed ones had been fairly produced, it would have been impossible for the Court to have found the other Articles vexatious and groundless. For tho' there was no Connexion between the several Articles of Complaint, as they were each, independent of the other, yet notwithstanding this, those suppressed Articles would have clearly shewn the Truth and Justice of the other Charges, as they were endued with a surprizing Power of *intuitively* convincing every Body, not only of the Grievances contained in them, but also of every Grievance in all the other Articles—Such a puzzle-brained Author should never assert a Falshood, even out of Policy, as it gives one a double Advantage of both questioning his Intellects and Morals,

“ But several Articles, (the D——r says) besides those that were suppressed, appear well grounded, and incontestible Proof of all the rest has *been*, and *now is* ready to be offered. —Therefore they are neither groundless nor malicious, much less are they a Breach of the 12th Section of the Articles of War ; such a Breach can only be made by Officers, and those of the higher Rank.”

To begin with the first part of this inconsistent Paragraph, “ Incontestible Proof was, and now is ready to be offered of all the rest.” By this he would insinuate, that the Court refused the Evidence offered, to be produced, and that they pronounced Sentence, without listening to such Evidence.—Even *David Blakeney* would have too much Sense and Modesty to join his Advocate in this Assertion!

Every Question that he proposed to have asked, was assented to by the Court. Every Man he called in as a Witness, was examined in the Manner he himself chose. What could be more just? What more candid? “ But incontestible Evidence is now ready to be produced.”

A Criminal might as well allege, after he was fairly tryed by the most open and impartial Proceedings, and convicted on undoubted Evidence, that he could then produce sufficient Proofs of his Innocence, and so exclaim against the Judge and Jury for condemning him—We come now to the Conclusion of this most extraordinary Paragraph.

“ Therefore such Complaints are neither groundless nor malicious, much less are they a Breach of the 12th Section of the Articles of War. Such a Breach can only be made by Officers, and those of the higher Rank.”

I should be glad to know if a groundless and vexatious Complaint is not to be esteemed a Breach of the 12th Section, as it is punishable by that very Article. If not, by what Authority does a Court-Martial presume to punish a Complainant for his groundless Appeal?

I imagine the Spirit of this Law sufficiently explains the Letter of it. The Meaning, indeed is clear to any Man of common Understanding, but dark to the D——r. For, like People who have sore Eyes, he is blinded by too much light.—But then, says he, “ Such a Breach can only be made by Officers, and those of the higher Rank.”—And yet a punishment is allotted by this very Article of War for Soldiers!—The D——r’s Comments on the Articles of War are admirable.—Let us now pay a little Attention to that Precision, which peculiarly distinguishes this Author’s Arguments.

“ The 12th Section of the Articles of War (says he) provides a Remedy for any inferior Officer or Soldier who thinks himself wronged by his Colonel or Captain.—It points out where the injured is to complain, gives him a Title to a Trial by a Regimental Court-Martial; and provides, that if upon the second Hearing, the Appeal shall appear to be vexatious and groundless, the Appellant shall be punished at the Discretion of the said General Court-Martial.”

Does not the Law expressly, in this Case, lodge a Power in the General Court-Martial, to punish the Appellant, if the Complaint appears vexatious and groundless? Yet the D——r seems to have forgot himself, when he thus exclaims, “ If any Crime appeared in the Appellant. it could not be cognizable, in a Court appointed only to try the Truth of his Appeal. For such a Crime, another Court should have been appointed, where the Officers composing this Court, might appear as Witnesses, not as Judges.”

Now this Censure, instead of affecting the Court, falls on the Legislature, for vesting them with this Power. For the D——r first allows, they have such a Power by the Laws of their Country, and then blames them for exercising it, tho; they were obliged to do so, in the Execution of their Duty.

Indeed, his Ingenuity in this Point is admirable.—What a Happiness is it to carry on a Controversy with an Author,
who

who saves one the Trouble of confuting him, by kindly contradicting himself in the Progress of his Argument. I cannot help comparing him to a certain Animal, called a Pig, which by attempting to swim, will cut it's own Throat.

“ Besides, (says this judicious Author) the Appellant was considered in a different Light from a Complainant, under the 12th Section of the Articles of War, and arraigned without any Evidence, for Crimes which came not before this Tribunal.”—The Complaint is said to be malicious, and he is arraigned as a seditious and litigious Man, and therefore sentenced to receive five hundred Lashes.—This is another pregnant Proof of the Author's Ignorance and Sophistry.—As to the Court's declaring in their Sentence, that they thought the Complaint malicious, they only used the Word as more explanatory, tho' already implied in the Words vexatious and groundless: As the Articles were proved to be so, was it any Impropriety to term them also malicious, as it appeared he had swelled his Complaint with eleven unjust Articles, merely to asperse and vilify the Character of his Officers?

He was also termed a seditious and litigious Man, as the Tendency of his Appeal was to inflame the Minds of his Comrades, to make them consider their Officers as Knaves, who by extending their Authority in a most arbitrary and illegal Manner, cheated and imposed on them.

This Sentence was to be publicly read to the Garrison, it therefore became necessary for the Court to explain their Sentiments in the strongest and most explicit Terms.

The Complainant's Punishment was to be considered by every Soldier, as an Enforcement of the Laws, for a scandalous Infringement of Order and Discipline. A general Court-Martial, by mentioning him in their Sentence, as a litigious and seditious Fellow, characterized a Man who was to be considered by the Soldiery as a troublesome Incendiary. It became their Duty to fix this Brand of Infamy on him, as it would warn his Comrades, and probably save them from being seduced by his malignant and false Insinuations.

Perhaps he means it was improper to use the Words litigious and seditious, because they are not inserted in the 12th Section of the Articles of War, for a Breach of which he was punished.—He might as well say, that it would be an Impropriety for a Judge in his Sentence, to term a convicted Pick Pocket a Thief, because the Word *Thief* was not particularly mentioned in the Indictment, on which he was tried.

I must

I must also inform this *correct* Author, that the Word *arraign*, means to bring a Prisoner to his trial, and was never applied by any one but himself, to the Terms used by a Court in their Sentence.—The very Etymology of the Word might have taught him this.

“ There was also a Circumstance attended the General Court-Martial, which would have had a different Effect in a Court of Law, from what appeared in that Court. For as I am informed, a new President was appointed, who was not before a Member of the Court, and with this new and uninstructed President, the Court proceeded to the Judgment and Sentence which has been before related.”

For an Answer to this, Vide Deposition, No. 3. But, says the D——r, “ He who was in Law and Fact the Prosecutor, became the Prosecuted.”

So far from *Blakeney*'s being considered by the Court as the Respondent, or ever looked upon in the light of the Person prosecuted, that when Lieutenant Col. *Williamson* (of whom the Author, with the greatest Justice, draws a most deservedly amiable Character) called him the *Prisoner*, he was immediately set right by the Court; and after, when he happened to repeat his Error, instantly corrected himself, and even asked Pardon of *Blakeney* for his Mistake.

“ But (says the D——r) *Blakeney* the Appellant, was soon converted into *Blakeney* the Culprit. His very Name, as well as his Character and Station, were changed. He was spoken of by some of his Judges, not only as a seditious and litigious Man, but as a Defenter from the *British* Regiment of Artillery. He was frequently, and confidently, and publicly called *Cunningham*, and a Defenter, and as such he was treated.

“ No Evidence it is true was called to these new Accusations, nor indeed was any Evidence necessary, for the Charges were readily taken for granted. In vain therefore did this innocent late Appellant, by military Force, I cannot say by what Law, transformed into a Criminal, and misnamed: in vain did he plead his Innocence, and offer to call Persons to his Character, as a Soldier and as a *Man*, and to prove where he was born and bred, and that he never was out of the Kingdom: Such an Appeal was reckoned no less audacious or criminal than the first. And therefore aggrieved, innocent, *Irish Blakeney*, the Appellant, thus transformed into *Cunningham*, a malicious, seditious, litigious, *English* Defenter, was denied the ordinary Means of Justification allowed to Criminals

Criminals of the deepest Dye ; and in the Court in which he sued for Redress of Grievances, sentenced to receive five Hundred Lashes."

Here the D——r would have us believe, that *David Blakeney* was tried by the Court-Martial, as if he had been one *Cunningham*, a Deserter. Yet the Name of *Cunningham*, or of *Blakeney's* being a Deserter, was never once mentioned, either to the Court, or by any Member of the Court. Vide Deposition, No. 3, 4, 5, 6.

"It cannot be imagined, (continues the D——r) with any Degree of Justice or Propriety, that any of the Corps of Officers who lately tried, and condemned, and imprisoned him, in the Regimental Court Martial, should have been appointed to try his Complaints *again*, from an Appeal from their *own Jurisdiction*, to that of a General Court-Martial, a Court in which the Majority of Voices was to determine. And one of these it was, who afterwards charged *Blakeney* with being an *English* Deserter?"

Here the D——r advances no less than three malignant Falshoods in a few Lines.

No Officer of the Artillery who sat on the Regimental Court-Martial, was a Member of the General One. It will be a sufficient Proof just to mention the Officers Names of the Artillery, who sat on both.

Regimental Court-Martial.

Capt. *Richard Bettefworth*, President.

Lieut. <i>Brady</i> , Senr. }	Members. {	Lieut. <i>Craddock</i> ,
Lieut. <i>Buchanan</i> ,		Lieut. <i>Atkinson</i> .

On the General Court Martial.

Capt. <i>Thomas Desbrisay</i> ,	Members. {	Lieut. <i>Brady</i> , Junr.
Lieut. <i>Thomas Burgh</i> ,		Lieut. <i>John Handcock</i> .

Further, *Blakeney* was never confined by Order of the Regimental Court-Martial. Vide Deposition, No. 1.

It is true, the Appellant objected to having any Officer of the Regiment of Artillery on the General Court-Martial, but this was over ruled by the Court, as they were appointed to sit by the Lord Lieutenant's Warrant. It will also appear, that it was a particular Indulgence, instead of being
a Grievance,

a Grievance, to have any *Officers*, but those of his own Corps on the General Court-Martial.

To authorize this Assertion, I beg Leave to quote the 2d Article of the 18th Sect. of the Articles of War, which only relates to the Artillery.

“ For Differences arising among themselves, or in Matters relating to their own *Corps*, the Courts-Martial may be composed of their own Officers. But where a Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-Martial, with the Officers of our other Corps, taking their Ranks according to the Dates of their respective Commissions.”

The D——r confesses that the Sentence of this arbitrary Court-Martial “ might still have been executed, in it’s utmost Latitude, unobserved and unnoticed, had not the most provoking and unheard of Severity been shewn preparatory to, and at the time of Execution.”

“ Upon the Day appointed for the Execution, a Guard was sent to conduct him in Iron Manacles from the Prison to the place of Execution, at the Barracks. The unfortunate Sufferer expostulated with the Officer on disgracing a Soldier, who never did any thing contrary to Law, with Marching him loaded with Irons like a Thief or a Robber to Execution; declared his willing Submission to suffer agreeable to the Sentence, and his Resolution to go peaceably under the Conduct of the weakest Drummer in the Corps.

“ This Officer had Humanity enough to be touched with such Remonstrances and Declarations, and therefore led him to the Place of Execution without the Manacles, which were only carried with the Guard, for which the humane and generous Officer was *blamed* and *reprimanded*, but he, bravely exonerated himself, by producing the supposed Criminal agreeable to Law. See Deposition, No. 17.

But the poor Matros had no sooner reached the place of Execution, than he was assailed with cruel Scoffs and insolent and wanton abuse; such as “ Oh, ho, Mr. *Blakeney*, have we got you? You have escaped the Gallows, but damn me if you shall escape us: You Villain, we will have your Blood.—Another says D—n ye, you Scoundrel, you shall now pay for all your Impudence and Villainy.” Come you Dog, says a third, strip, strip, and so lays hold on his Cloaths to drag them off.”

Here are several Officers pointed at, for behaving in a
Manner

Manner that would be a Disgrace to the most inhuman Planter, who after being transported, had arrived to the Dignity of exercising his Tyranny over a Negro Slave.

Now supposing all this laboured and very circumstantial Account to be utterly false, what should we think of the Author of it?—should any Man offer this to the Public as an indisputable Fact, without first taking the only proper Method of learning the Truth, by the Testimony of some Persons of Credit, whose Veracity might be depended on.

I fancy the D——r imagined, that People would believe him, because they could not suppose any Man profligate enough to report such a Story without being convinced of its Truth.—Thus, because few could conceive he would so totally give up all Pretensions to Modesty, Truth, and Honesty, he wisely resolved to take advantage of this, and forfeit the Character of a Gentleman, a Man of Honour, and a good Subject, on the noble Presumption that it would not be suspected that he could be *base* enough to do so!

He has treated his Fellow Citizens as if a Favourite Servant, in the confidence of his Master, should cheat and defraud him, and hope to escape Detection merely from the kind Opinion his generous and good natured Master entertained of his Probity.

As a Proof of my not running into the same Fault which I blame so much in the D——r, I refer to Depositions, Nos. 7, 8, 9, 10, 11, 13, 16, 17, in the Appendix, also to the Affidavit of a Gentleman and Citizen, No. 12.—Let me now exclaim in my turn, and ask,—*Is this Politic? Is it wise, Is it just?*—Are these the Morals of a Patriot, a Legislator, and a Citizen?—Is this the Man who is to be the Pensioner of the City, to be fed at the public Cost, and a Revenue appointed for him, as there formerly was at *Athens*, for those worthy and virtuous Citizens, who had grown hoary in the Service of their Country, and were revered for their Poverty and Virtue.

Sir *William Temple* tells us, that it was formerly a Custom for the Gentry in this Kingdom to keep a Story-teller in their Houses, to divert the Family by strange and improbable Lies. Some of the C———s have, perhaps, heard of this, and resolved to revive the Custom in the Person of their worthy Representative; and indeed they could not fix on a more proper Person to serve them in this Capacity.—It is to be hoped they will oblige him to wear a *Badge*, and I

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think

think, *Mendax*, will be a proper Inscription for it, as it will at once, contain his Character, and their Reasons for conferring that Dignity on him.

“ I must beg leave (says this candid Gentleman) to explain my Conduct, and the Motives of my Conduct, on the Occasion. Shocked with the Story of the Distresses of the Man, tho’ an entire Stranger to me, I could not be at Peace till I saw him and learned the affecting Circumstances of his Case — *And yet before I presumed to take a Step for his Relief, I collected Evidence enough to convince me of the Truth of the Information I had received.*”

Slight Evidence, it seems, is sufficient to convince him, that a Set of Gentlemen would behave like Villains! But this is always the Case, a Cheat is easily persuaded that any Person is dishonest, for he draws the Proof from his own Bosom.

Happily, the D——r’s Abilities do not qualify him to do much Mischief.—His Oratory, like the Harangues of a Quack Doctor, is adapted to the Ears and Understanding of a Mob. He pleases *them* because his Sentiments and Style is so consonant to their own.

If he had been endued with a *Genius* to second his evil Intention, he would certainly have been a Firebrand. But luckily for the Public, he is defective in all the requisite Qualifications of an Incendiary, except Inclination.—He resembles a Viper, that will attempt to bite when it’s Teeth are drawn, tho’ it can’t do any Harm.

Nature, we may observe, has wisely deprived many Animals of the Power, who seem to have the strongest bent to be mischievous. Thus we see Cabin Currs always barking and snapping, whilst the fierce Bull Dog is peaceable and quiet, ’till provoked to exert his Strength and Spirit.

“ Considering it as a delicate Point, continues the cautious and prudent D——r, to call the Judgment of any Court in Question, I thought it best to lay this poor Man’s Case before Government, in the affecting Terms it seemed to me to demand, as far as Time and Circumstances would permit, that by proving the poor Man an Object of Mercy, his Sentence might be respited, ’till Time should convince Gentlemen of their Error, and prevent the like for the future.”

This is another Absurdity, for surely, laying this Man’s Case before Government, and demanding a Respite, till the Circumstances of the Tryal should be canvassed, was directly calling the Judgement of the Court in Question, a Doubt

Doubt of the Justice of their Sentence, being the Reason he alleges for his Application.

The whole Page (No. 41,) is filled with Bombast and Panegyrick on himself, but his Reasoning is so well exposed, and placed in so just, tho' ridiculous a Light, by the Author of the Observations, that I need not say much on this Point.

But it seems the poor D——r was not found of Weight enough to procure *any Pardon, any Mitigation, any Respite, of the Sentence passed upon the gallant, injured, brave, but unfortunate David Blakeney!*—The important C——s L——s, M—— D. was weighed in the Balance and found wanting!—Considering him, as the three hundredth Part, of *one Part* of the Legislature, his Application to the L——d L——t was a most impertinent and impudent one, and with all due Deference to this great Commoner's Wisdom, I can not help thinking it truly ridiculous.

It makes me recollect a Story of a Lady of Pleasure, who complained to an Officer, of some Grievances she had suffered from the Soldiers, at the same Time declaring, she would apply to the Lords of the Admiralty for Redress, for she had undoubted Pretensions to do so,—as she had formerly been W——e to a Marine Officer.

Again, the D——r gives us a Touch of the Pathetic, in this dolorous Strain. “Let me now appeal to those, who are touched with any Sense of the Freedom and Rights of the Subject, whether Civil or Military, whose Bosoms are actuated with Sentiments of Justice and Humanity, whose Bowels are moved to Compassion and just Resentment, by the Sufferings of their fellow Subjects, or who wish to Support the Reputation of good Citizens, or Men of Honour, and request they will judge in what Instances, in all these Proceedings, my Conduct is to be impeached?”

The Reader will be able to make a conclusive Answer to this Question, when he has read the Appendix.

With what Truth, Justice or Reason, the D——r has raised this outrageous Clamour against the Gentlemen of the Army, let the Impartial now judge.

He has indeed, in every Part of his Pamphlet, by the Dint of tumid Nonsense, and the most bold, false and impudent Accusations, endeavoured to supply all Defects of Truth, Argument and Reason.

He has acted like those scandalous Beggars and Impostors

so frequent in our Streets, who by doleful and whining Complaints, and exposing their *feigned* Sores, endeavour to excite Compassion in a more querulous Strain than the real Objects of Pity.

We now come to the D----r's modest Comparison between himself and the old Roman Citizen. Page 47.

What a striking Resemblance between the D----r and *Junius Brutus*!

But, lest some of the *Urbicolas* may imagine, that *Junius Brutus* was such a Man as the D----r, and had formerly shook the Weavers-Hall with his Eloquence, I beg leave to dwell a little on this famous Parallel.——

Junius Brutus condemned his Sons to die, for conspiring to restore a tyrannical Family to the Throne, who were justly obliged to abdicate for introducing Slavery and Despotism.

C-----s L----s blames his Son for giving his Opinion, according to the best of his Judgement, on the Trial of a Soldier, by a Regimental Court Martial.

Therefore C----s L----s is equal, if not superior, to *Junius Brutus*!

The *Roman* Citizen, as Consul, attended the Execution of his own Sons, saw them publicly lashed, and afterwards beheaded, and has left the admiring World such an Instance of Justice and Severity as is not to be paralleled.

C-----s L----s defends a *seditions, turbulent; and malicious* Soldier, compassionates his Sufferings, uses every Art to prejudice the Public in his Favour, exclaims against his Judges, and then has the Impudence to compare himself to *Junius Brutus*!

The D----r would willingly abrogate the Articles of War, and several other good Laws, and supply them, by such confused and impracticable Whims, as the Vortex of a muddy and disordered Imagination might fling out—In this indeed, he *would* resemble *Cæsar*, who, as *Suetonius* tells us, when he robbed the Capitol of Gold, replaced it with gilt Brass.

The Aim of his political Nostrums, is to throw the Body politic into Spasms and Convulsions.——Tho' Riot, Confusion and Anarchy, are the natural Consequences of the licentious Principles he preaches up to the People, yet he pretends that it is all for the Good of the *Poor* and *Oppressed*; and in one of his juvenile Papers, compares himself to the Angel who used to trouble the Waters of *Bethsaida* for the Benefit of Cripples and Lazars.

The best Answer I can give to the D----r's base and false
Account

Account of *Blakeney's* Punishment, (Page 44, 45.) is by referring the Reader to the Deposition, No. 12. of a Gentleman and Citizen of *Dublin*, also Depositions, No. 13, 14, 15, 16, 17.

We come now to that Part where the D----r attempts Panegyrick—His Aukwardness, in this Point, puts me in mind of the Poet's witty Allusion ; in a Portrait of some such Panegyrist as the D----r, he says,

———— As if a Fool should mean
By spitting on your Face to make it clean.

I shall transcribe his own Words on the L--d L-----t's Conduct.

"He, like the Sacred Person he so truly and worthily represents, must act on the Information he receives. It cannot be supposed he knew all the Circumstances of this poor Man's Case. He must form his Judgement upon the *Sentence* of the Court Martial, and the Character given by the Officers of the supposed Delinquent." That is to say, —L--d T-----d never examined the Proceedings of the Court Martial, but just read the Sentence, and so confirmed it.

But the D----r asserts this, perhaps, as an Excuse for himself, as it is certain that HE never read the *Proceedings*, he concludes that his E-----y had not done so either. — By this, he would also insinuate, that he knew as much of the Matter as his L-----p, and therefore was naturally surprized at his L-----p's refusing to acquiesce to his superior Judgment and Sagacity, and pardon the Delinquent, especially since HE condescended to STOOP, and ask a Favour from G-----t.

For the D----r's Instruction, I shall quote the 10th Article of the 15th Section, *from that only Law-Book* which Officers read.

"No Sentence of a General Court Martial shall be put in Execution, till after a Report be made of *the whole Proceedings* to us, &c. excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, and to our Chief Governor or Governors of that Kingdom, and his or their Directions be had thereupon."

I believe his M-----y would have scarce ordered the *whole Proceedings* to be laid before the Lord Lieutenant, if he supposed, like the D----r, that he would only consider the Sentence. — Is this the D----r's Way of complimenting his E-----y!

Would

Would it be a Panegyrick on a Judge, to say that he had paid no Regard to the Evidence produced on a Trial, tho' his Judgment was to be determined by it?

Besides his E-----y, by approving of the Sentence, became a Party concerned, as it was a public Testimony of his being convinced of the Justice and Impartiality of the Court Martial; otherwise he never would have confirmed their Sentence, and consequently it would be of no Effect, as it could not be executed without his Approbation.

Thus it unavoidably follows, that all the D----r's Reflections on the Court-Martial also glance at his L——p. But he artfully strives to separate him from the Court Martial, as he well knows that the worthy and disinterested Part of the Citizens, would never listen to any of his base Aspersions on the Court, if it was once known, that they could in any manner affect his L——p.

Let them consider that all the Proceedings of the Court-Martial, were examined by that great Man, whose Knowledge and Experience in Military Matters were never questioned.

A Person of his E——y's Penetration and Humanity, would never have given his Sanction for a Punishment, without being thoroughly convinced, that it was absolutely necessary, to preserve that Order, Subordination, and strict Discipline, without which the Military would become a Nuisance, instead of a Benefit to Society.

I again say, that if the worthy and disinterested Part of the Citizens, saw the Affair in this just and proper Light, they would never enter into Associations and Subscriptions to Prosecute a General Court-Martial, and shew by their doing so, that they no longer had any Confidence in the Justice of his E——y's Administration.

Is this a grateful Return for his generous and successful Efforts to serve the Kingdom, by obtaining an Octennial Bill, so deservedly esteemed a Restoration of Liberty!

And shall it be said, that the City of *Dublin* set an Example of Ingratitude to the Nation, by *attempting* to fix a stain on his E——y's Justice and Judgement.

Indeed, the D——r's Panegyrick on his L——p, has turned out the highest Compliment in one respect.—For how excellent must that Picture be in itself, which *his* awkward Daubing could not Spoil!

To prevent any Misconstruction on what has been said, the Gentlemen of the Court Martial (by whose Opinion the
Author

Author was governed in writing these Remarks) desired the following Address might be made, in their Name, to the Public.

“ That they should be extremely sorry it was understood as if they meant to introduce L--d T-----d, as a Party concerned in the Court Martial, in order to shelter themselves under his Name from the threatned Prosecution, and, by this paultry Art, aim to obtain the Citizens Favour, and divert the Resolution they have entered into, of commencing a Suit in Favour of *David Blakeney*. No:—They wish to bring their Conduct to that public Test; confident it will bear the strictest Scrutiny, as it was founded on the Dictates of Justice and Honour. In a Court of Equity, *Calumny* and *Falsehood* will neither be listened to, nor believed.—They glory in that Privilege which the late Complainant is entitled to, of having the Justice of his Appeal, and their Proceedings determined by those Laws, which the Spirit of Liberty, that breathes thro’ every Part of our Constitution, has provided for the Protection, Security and Happiness of the meanest Subject -- They only mention L--d T-----d’s Name, as his Approbation of their Judgement, gives them the strongest Reason to think it was candid and equitable.

As to the D---r, I really think him incorrigible, and am far from being so vain, as to think any Thing I have said, will teach him to behave with more Sense or Modesty for the future.

Tho’ he were despicable to every Body, yet his Arrogance and Self-conceit would still buoy him up; so Naturalists tells us, that a small Quantity of Air is furnished with an Elasticity, that exerts itself with such Force, as to bear the incumbent Weight of the whole Atmosphere.

I know some people think, it is owing to Fire and Spirit, that he could never be confined within the Bounds of Decency and good Manners. On the contrary, I ascribe this, to a natural Defect in his Intellects; for it is remarkable, that the best made Curb, can not restrain a Horse that has a bad Mouth.

“ But, while I am willing, says he, to do Justice to all, and render unto *Cæsar* the Things that are *Cæsar’s*; I hope I shall not be denied the like Judgement and Justice to my own Character, and my Conduct in this *interesting* Affair.”

We have already seen how he has rendered *Cæsar* his Due.

The D---r, undoubtedly, interfered most impudently
and

and officiously, where he had no manner of Concern, invented a Parcel of malicious and gross Falsehoods, and imposed them on the Public as TRUTHS.—His Excuse is, that it was the only way he had “*of doing Justice to his own Character.*”

This puts me in mind of a Tinker’s Apology, who was brought before a Justice for coining Raps; he begged it might be considered, that he lay under an absolute Necessity of coining and passing them for good Half-pence, otherwise, he could neither pay his Debts, or support the Character of an *honest Man.*—

But to conclude seriously, on a very serious Subject.—The Gentlemen of the Army are, doubtless, greatly obliged to the D——r for his very great Humanity, after accusing them as guilty of the most infamous Actions, such as *Perjury, Cruelty, Oppression, Inhumanity, &c.* he is tender of mentioning their *Names*, lest his *immortal Writings* should convey them to Posterity. See Mirror, Page 46.

It is now left to the candid and decisive Voice of the Public, to determine, whether the Gentlemen of the Army or the D——r, are blameable, &c.

They have still so much *Charity* for HIM, as to wish, he could assign *such satisfactory Reasons* as might exculpate him for asserting eighteen or twenty Falsehoods, in about forty Pages, to blast the Characters of Men, who have always acted with Integrity, and served their Country with Honour.

A P P E N D I X

A P P E N D I X.

No. 1.

County of *Dublin*, }
to wit.

RICHARD BETTESWORTH,
Esq; Captain in the Royal
Irish Regiment of Artillery,
came this Day before me,
and made Oath, That he

was President of the Regimental Court Martial held on *David Blakeney*, Matross in said Regiment; and that said *Blakeney* was not confined by Order of said Court at any Time; nor was any Article of *Blakeney's* Complaint obliterated by said Court Martial; nor was any Money ordered to be paid him by the Court.

Sworn before me this 6th Day *April*, 1768.

Richard Bettsworth.

Robert Willcocks.

No. 2.

County of *Dublin*, }
to wit.

LIEUTENANT *David Robinson*,
Adjutant of the Royal *Irish* Re-
giment of Artillery, came this Day before me, and made
Oath, That he did not pay any Money on Account of Car-
riage of Halfpence, or on any other Account whatsoever, to
David Blakeney, Matross in said Regiment, during his Con-
finement; that in Consequence of said *Blakeney's* having ap-
plied to the Commanding Officer of said Regiment, relative
to his having paid one Penny for his Share of Carriage of
Halfpence from the Treasury to *Chapelizod*, for four Months
Subsistence of the Regiment, the said Commanding Officer

F

ordered

ordered the said Halfpence, so stopped, should be repaid ; and that Deponent did accordingly return said *Blakeney* the four Farthings stopped as aforesaid, for four Months Carriage of the Halfpence received to subsist the Regiment ; which was all the Money he returned to said *Blakeney*.

Sworn before me this 6th of *April*, 1768.

D. Robinson.

Robert Willcocks.

No. 3.

County of *Dublin*, } **T**HIS Day Lieutenant Colonel
to wit. } *Alexander Duncan*, of the Fifty-
fifth Regiment and Major *Sirr*, of *Dublin*, came before me,
one of his Majesty's Justices of the Peace for said County,
and made Oath, That said Lieutenant Colonel was appointed
President of a General Court Martial, by a Warrant from
his Excellency the Lord Lieutenant, bearing Date the 10th
of *December* last, in the Room of the late Lieutenant Colonel
Williamson, who died on the 7th of said Month ; that the
Court met on the 11th of *December*, and the President, and
all the Members, were regularly sworn, and proceeded to
Trial, on an Appeal from the Determination of a Regimental
Court Martial, held by the Officers of the Royal *Irish* Re-
giment of Artillery, upon twelve Articles of Complaint,
signed *David Blakeney*, a Matros in said Regiment, and
which had been exhibited before the said Regimental Court
Martial ; that the General Court Martial, with the new
President, *begun the Proceedings afresh* ; that they heard and
examined all Evidences produced to them, upon Oath ; and
that several Alterations were made in the Course of the
Trial, from the *former* Proceedings ; and that the Court
was held from the Day of their Meeting, by several Ad-
journalments, to the 18th of *December* last, in order to exa-
mine more minutely into the said Articles of Complaint.

They further depose, That in the Paper signed *David Blakeney*, there appeared to have been thirteen Articles, one of which was erased ; and that *Blakeney* declared upon Oath, That he had done it himself, not intending to carry it before the Court ; that after the Trial was over, and the Proceed-
ings

ings closed, the said *David Blakeney* voluntarily, and in the most solemn Manner, declared upon Oath, before the Court, That as it had been reported that several Men of the Royal Regiment of Artillery had been concerned with him in making said Complaints, he took that Opportunity of acquitting his Brother Soldiers of said Charge, not one of whom had been in any Way concerned with him in making said Complaints.

They also depose, That they never heard any Member of the Court Martial, or any other Person, call said *Blakeney* by the Name of *Cunningham*, or tell him he was a Defserter.

Sworn before me, in *Dublin Castle*, this 4th Day of
April, 1768.

Alexander Duncan.
Joseph Sirr.

Richard Benson.

No. 4.

County *Dublin*, } LEUTENANT *John Hancock*, of
to wit. } the Royal *Irish* Regiment of Artil-
lery, came this Day before me, and made Oath on the Holy
Evangelists, That he was Member of a late General Court
Martial, held on *David Blakeney*, a Matross of said Regi-
ment; that he never called him by the Name of *Cunningham*,
or any other than his proper Name; nor does he recollect
hearing any other Member of the General Court Martial
call him by any other Name than *Blakeney*.

Sworn before me, this 6th Day of *April*, 1768.

John Handcock.

Robert Willcocks.

No. 5.

City of *Dublin*, } **L**IEUTENANT *William Brady*, Ju-
to wit. } nior, of the Royal *Irish* Regiment
of Artillery, came this Day before me, and made Oath,
That he never did, at any Time, charge *David Blakeney*,
Matros in said Regiment, with being a Deserter, or ever
F 2 called

called him by the Name of *Cunningham*; nor did he ever hear that any other Person had called him *Cunningham*, until he saw it set forth in a Pamphlet, intituled, *A Mirror for Courts Martial*.

Sworn before me, this 7th Day of *April*, 1768.

William Brady.

J. Taylor.

No. 6.

County of *Dublin*, } **T**HOMAS BURGH, First Lieutenant in the Royal *Irish* Regiment of Artillery, came this Day before me, and made Oath, That he never did, at any Time, charge, or accuse *David Blakeney* with being a Deserter, or ever called him by the Name of *Cunningham*; nor did he ever hear that any other Person had called him *Cunningham*, until he saw it set forth in a Pamphlet, intituled, *A Mirror for Courts Martial*.

Sworn before me, this 7th Day of *April*, 1768.

Thomas Burgh.

Robert Willcocks.

No. 7.

County of the City } **L**IEUTENANT *Robert Cary*, of *Dublin*. the Thirty-ninth Regiment of Foot, came before me this Day, and made Oath, upon the Holy Evangelists, That on the 4th *January* last he was ordered, with a Party of said Regiment, from the Barracks in this City, to the Provost in the *Lower Castle Yard*, to escort *David Blakeney*, a Prisoner, from thence to the Barracks; that when he arrived at the Provost's, there was such a Croud there, that he thought it would not be safe to march the Prisoner through the Streets, without being Hand-cuff'd, and therefore ask'd the Provost Marshal for a Pair of Hand-cuffs, which were according brought; but at the earnest Entreaty of the Prisoner, and on his promising to march quietly, they were not put on.

He

He further sayeth, That no Person whatever ordered him to march *Blakeney* in Irons, or tied, or reprimanded him for not doing so, as is set forth in a Pamphlet, lately published, intituled, *A Mirror for Courts Martial*.

He further saith, That he was very nigh the Place where *David Blakeney* was going to be punished, and verily believes he heard all the Conversation that passed between the Prisoner and the Officers, who were to superintend the Punishment; and that he did not hear such Language pass as is also set forth in said Pamphlet; viz. "Oh, ho, Mr. *Blakeney*, have we got you? You have escaped the Gallows, but d—— me if you shall escape us. You Villain, we will have your Blood. D—— ye, you Scoundrel, you shall now pay for all your Impudence and Villainy. Come, ye Dog, strip, strip, G—d d—n you, strip." Nor did he see any one lay hold on his Cloaths, to drag them off.

Sworn before me, this 4th Day of *April*, 1768.

Lieutenant *Robert Cary*,
39th Regiment.

Benjamin Barton.

No. 8.

County of the City? } **M**AJOR *Otho Hamilton*, of his
of *Dublin*, to wit. } Majesty's Fortieth Regi-
ment of Foot, came this Day before me, and made Oath,
That he was Field-Officer for the Day, viz. the 4th Day
of *January*, 1768, when the Punishment of *David Blakeney*,
a Matross, in the Royal *Irish* Regiment of Artillery, was
first intended to be put in Execution, on which Day, this
Deponent received from Lieutenant Colonel *Chenevix*, the
Lord Lieutenant's Warrant for that Purpose.

That on the said 4th Day of *January*, this Deponent
sent Lieutenant *Cary* of the Thirty-ninth Regiment, with a
Party to the Provost for said *Blakeney*, the Prisoner: That
this Deponent did not in any wise whatsoever, find fault
with, blame or reprimand the said Lieutenant *Cary*, or any
other Person for any Lenity shewn to *Blakeney*. That after
the Prisoner was brought to the Parade, this Deponent gave
the Warrant to Lieutenant *Studholme*, of the Fortieth
Regiment, who was Adjutant of the Day, and desired that he
might

might read it distinctly to the Prisoner, that the whole Garrison who were then under Arms might also hear it, which was accordingly done, in the most regular Manner, in the Deponent's Presence, and in his hearing; that the Deponent desired the Prisoner might be marched from the Centre of the Parade to the Post, where Punishments are usually inflicted, and there the Deponent took off his Hat, and addressed himself to the Prisoner, in the Words following, *Blakeney* you have heard your Sentence, please to take off your Cloaths: That the Deponent then turn'd round from the Prisoner, and on again turning his Eyes towards him, saw him throw a Pen-knife to the Ground, and at the same Instant heard Captain *Cuthbertson* of the Fifth Regiment, say, Major *Hamilton*, he (meaning the Prisoner) has stabb'd himself, on which they both went up to the Prisoner, and on Captain *Cuthbertson* offering to open the Prisoner's Waistcoat, to look at the Wound; this Deponent heard the Prisoner say to Captain *Cuthbertson*, in a seeming angry Tone of Voice, "Sir, I can open my Waistcoat myself," to which the Captain replied, "don't be foolish *Blakeney*, what Matter is it who opens your Waistcoat," and raising up the Flap of the Prisoner's Waistcoat, and also his Shirt, Captain *Cuthbertson* immediately turned to this Deponent, saying, he (the Prisoner) has certainly wounded himself in two or three Places. Whereupon this Deponent instantly reported to Colonel *Chenevix*, who was at some Distance, and who was Commanding Officer of the Parade, what had happened, and desired the Surgeons of the Garrison to be immediately called to examine the Prisoner's Wounds; which was accordingly done in one of the Barrack Rooms, but the Surgeons not coming out with a Report of the Prisoner's Condition as soon as might be expected, this Deponent (by desire of Colonel *Chenevix*) went to the Room where the Prisoner was examining, and was informed by the Surgeons, that the Wounds were of little Consequence, but were of Opinion, that they thought it proper to have the Prisoner sent to the Infirmary, upon which, this Deponent ordered the Infirmary Chair to be sent for, and turning to the Prisoner, said, Mr. *Blakeney*, I am sorry to see, that you who have been some Time a Soldier, should behave in so dastardly a Manner, to which *Blakeney* replied, "Sir, I am sorry for what I have done, but as the Court Martial has called me a vexatious and litigious Man, my Spirit is too great to be overcome:" Whereupon, this De-

ponent

ponent then reported to Colonel *Chevenix*, the Prisoner's State, who dismissed the Garrison, and the Prisoner was accordingly sent to the Hospital in a Chair, escorted by Lieutenant *Cary*, and a Party of the Thirty-ninth Regiment.

Deponent further deposeth, that neither this Deponent nor any other Person, in his hearing, or to his Knowledge, or Belief, made use of any Expression to the Prisoner, otherwise than as above related, nor would this Deponent have allowed any such indecent Behaviour to have been used towards the Prisoner, as he was under his particular Direction, until the Sentence was executed, such *barbarous, inhuman, and scurrilous* Language to Prisoners, being inconsistent, and very unusual with the Character of Officers, and contrary to the present known Custom of the Army.

Otho Hamilton.

Hans Bailie.

No. 9.

County of the City } **L**IEUTENANT *Gilfred Stud-*
of *Dublin*, to wit. } *holme*, of his Majesty's Fortieth
Regiment of Foot, came this Day before me, and made Oath, That he was Adjutant of the Day, viz. the 4th Day of *January* last, 1768, when the Punishment of *David Blakeney*, a Matross, in the Royal *Irish* Regiment of Artillery, was intended, that this Deponent did receive the Lord Lieutenant's Warrant for inflicting said Punishment, from Major *Otho Hamilton*, (on the Parade in the Royal-Square) and read it to the Prisoner and Garrison, as set forth in Major *Hamilton's* Deposition, taken this Day before *Hans Bailie*, Esquire, which the Deponent has seen, carefully read, and believes to be true, and in particular, the Deponent not having heard the *least abusive Language* given to *Blakeney* by any one, which he certainly must have done, had any such Indecency been offered, for that this Deponent was not, as he believes, above Five Yards Distance from the Prisoner, the said *David Blakeney*, from the Time of his coming on the Parade, until after he was examined by the Surgeons.

Gilfred Studholme.

Hans Bailie.

No. 10.

No. 10.

County of the City } **L**IEUTENANT *Robert Martin*
of *Dublin*, viz. } *Scymour*, of the Fortieth Regiment of Foot, Lieutenant *Thomas Cuppage* of the Thirty-ninth Regiment, and Lieutenant *Lancelet Hill*, of Fifty-fifth Regiment of Foot, came this Day before me, and severally made Oath on the Holy Evangelists, That they were so very nigh *David Blakeney*, of the Royal *Irish* Artillery, on the Fourth Day of *January* last, when the Sentence of a General Court Martial was going to be inflicted on him, (in the Royal-Square of the Barracks in this City) that they verily believe they must have heard all the Conversation that passed between the Prisoner *Blakeney*, and the Officers, whose Duty it was to superintend the Punishment, and that they did not hear such Words made use of as are set forth in a Pamphlet, intituled, *A Mirror for Courts Martial*, viz. “oh, ho, Mr. *Blakeney* have we got you, you have escaped the Gallows, but d—— me you shall not escape us, you Villain we will have your Blood, d—— ye, you Scoundrel, you shall now pay for all your Impudence and Villainy. Come you Dog, strip, strip, G—— d——n you strip,” nor did they see any Person lay hold on his Cloaths to drag them off, they only heard his being desired to strip once, in as mild Words as possible, after the Sentence of the General Court Martial was read to him, upon which he stab’d himself with a Knife.

Sworn before me this 4th Day of *April*, 1768.

Benjamin Barton.

Robert Martin Scymour, 40th Regiment.

Lancelet Hill, Lieutenant, 55th Regiment.

Thomas Cuppage, Lieutenant, 39th Regiment.

No. 11.

County of the City } **C**APTAIN *Bennet Cuthbertson*,
of *Dublin*, to wit. } of his Majesty’s Fifth Regiment of Foot, came this Day before me, and made Oath,
That

That having read over the Deposition of Major *Hamilton*, of the Fortieth Regiment of Foot, relative to the Transactions which passed on the 4th of *January* last, on the Parade in the Royal-Square, when the Punishment of *Blakeney*, the Matross, was intended to be put in Execution, he is positive of the Truth of every Particular mentioned by the Major in said Depositions, as far as relates to the Manner in which *Blakeney's* Sentence was read to him, the Major's Address about taking off his Cloaths, and the Circumstances which happened after *Blakeney* stabbed himself: And further deposes, that being close to *Blakeney* from the Time he came into the Royal-Square, on said 4th of *January*, until he was led off to have his Wounds examined by the Surgeons; he did not hear Major *Hamilton*, or any other Person to speak him in any other Words, than what Major *Hamilton* has set forth in his Deposition; Captain *Cuthbertson* also deposes, that he saw *Blakeney* on the said 4th of *January*, immediately after Major *Hamilton* desired him to take off his Cloaths, pull his left Hand from the left Pocket of his Waistcoat, and instantly strike the lower Part of the left Side of his Belly three or four Times, before this Deponent was aware of *Blakeney's* Design; nor was he perfectly assured of it, until he saw him throw a Pen-knife on the Ground.

Sworn before me this 6th of *April*, 1768.

Bennet Cuthbertson.

Hans Bailie.

No. 12.

County of *Dublin*, } *JOHN WHITE*, of the City
to wit. } of *Dublin*, Gentleman, came
this Day before me, and made Oath, That he was present
on the 7th Day of *March* last past, in the Barrack-yard of
the City of *Dublin*, when *David Blakeney*, the Matross, in
the Royal *Irish* Regiment of Artillery, received his Punish-
ment, by Order of a General Court Martial, and sayeth,
that before said *Blakeney* received said Punishment, he was
desired by his Adjutant to take off his Hat, which as De-
ponent believes, is usual for all Soldiers to have off that are
receiving Punishment, which the said *Blakeney* peremptorily
refused doing, and in a very insolent Manner told the Ad-
G jutant

jutant, that he would keep on his Hat, and that it was sufficient if he kept up his Hair, or Words to that Effect; and sayeth, that after the said *Blakeney* had received his Punishment, he was informed by *John Straton*, Esq; Major of said Regiment, that he was to go to his Quarters to *Chapelizod*, as the Surgeon had reported that he was well-able to do so, upon which the said *Blakeney* replied, that he positively would not go to *Chapel-Izod*, but would return to the Infirmary, and also said, that as he payed for the Infirmary he would go there, and no Place else, or Words to that or the like Effect: and that this Deponent sayeth, That the whole Behaviour of said *Blakeney*, on the Parade that Morning, was intirely insolent and unbecoming a Soldier to his Officers, as this Deponent, and several other Persons who were then present imagined, as they informed Deponent; and sayeth, that the said Major *Straton* behaved with a great deal of Tenderness towards the said *Blakeney*, and ordered the Officer who commanded the Party which guarded him, to march extremely slow, and also, for the said *Blakeney*, to be supported by two Men if requisite: This Deponent further sayeth, That he was also present in the Barrack-yard aforesaid, on the 4th Day of *January* last past, when the said *Blakeney* was going to be punished, and was so near him as to hear any Conversation that could have passed between him and the Officers round him, and sayeth, that there was not the least insulting or opprobrious Language used by any Person or Persons whatsoever, to the said *Blakeney*, on either of the said Days, but on the contrary sayeth, that the greatest Decency and Regularity was kept up; and sayeth, that on the said 4th of *January* last, no Person whatsoever gave the said *Blakeney* any Knife, or other Instrument, after he was ordered to be punished, but on the contrary, this Deponent sayeth, the said *Blakeney* pull'd a Knife out off his own Pocket, and stabbed himself.

Sworn before me, this 11th Day of *April*, 1768.

John White.

W. Roseingrave.

No. 13.

County of *Dublin*, } *ARTHUR WINTER*, Sur-
 to wit. } geon, of the Royal *Irish* Regi-
 ment of Artillery, came this Day before me, and made
 Oath, That on the 1st Day *David Blakeney*, Matrofs, in
 said Regiment, was brought to the Parade to receive the
 Sentence of a General Court Martial, he did not hear any
 abusive Expressions made use of to said *Blakeney*, before he
 wounded himself, nor see any Person attempt to drag off
 his Cloaths, nor did he hear any Orders given for proceed-
 ing to inflict his Punishment, after he had wounded himself :
 Sayeth, that on the Day his Sentence was executed, he did
 not hear any Orders given to the Drummer to inflict the
 Punishment with Rigour or Severity, nor did he see any Pro-
 traction or Delay in the Execution thereof, or hear any
 abusive or scoffing Expressions made use of to him ; and
 further sayeth, that as no Attempt was made to pickle his
 Back, there was no Necessity to rescue him from it, no such
 Practice having ever been made use of in the Regiment, De-
 ponent having been Surgeon to it ever since it was raised.

Sworn before me, this 7th Day of *April*, 1768.

Arthur Winter.

Robert Wilcocks.

No. 14.

County of *Dublin*, } *JOHN STRATON*, Esq; Major
 to wit. } of the Royal *Irish* Regiment of
 Artillery, came this Day before me, and made Oath, That
 on the 7th Day of last *March*, as soon as *David Blakeney*
 had received his Punishment, Deponent ordered the Sur-
 geon to see if *Blakeney* was able to walk to *Chapelizod* ; that
 upon hearing that *Blakeney* declared he would not go to *Cha-
 pelizod*, but to the Infirmary, Deponent desired all the Sur-
 geons of *Dublin* Garrison might assist the Artillery Surgeons
 to examine if said *Blakeney* was able to go to *Chapelizod* ;
 that the Surgeons, after strict Examination of *David Blake-*

ney, did unanimously declare, that as the Punishment was so lightly inflicted, it was their Opinion *Blakeney* was very well able to walk to *Chapelizod*; and some of the Surgeons moreover said, that if Necessity required it, *Blakeney* might be put on Duty the next Day; Deponent did then order *David Blakeney* to march to Quarters at *Chapelizod*.

Sworn before me, this 7th Day of *April*, 1768.

John Straton.

Robert Willcocks.

No. 15.

County of *Dublin*, } *WILLIAM GRANT*, Drum-Ma-
to wit. } jor to the Royal *Irish* Regiment
of Artillery, came this Day before me, and made Oath,
That on *Monday* the 7th of *March* last, the Day appointed
for inflicting the Punishment of *David Blakeney*, a Matross
in the Royal *Irish* Regiment of Artillery, on the Adjutant's
having read a Paper to him, proceeded in the usual Way to
see the Sentence executed, with this Difference, that he did
not order the Drummers to take off their Coats, Swords,
or Belts, which is the usual and general Custom; nor did he
utter one Syllable to the Drummers, previous to, or during
the Punishment, or protract it unusually; nor did he receive
from the Major or Adjutant of the Regiment any Orders
for that Purpose. Deponent further saith, That said *Blake-*
ney, for a While, refused being dealt with as all other Pri-
soners ever were, by saying, "He would not be tied up, or
put a Cap on to keep his Hair out of the Way," or to that
Effect, insisting to wear his Hat: And further saith, It was
his Duty to be quite near the Prisoner; and that nothing
abusive, directly or indirectly, was offered him, before, or
during his Punishment; nor did he hear Doctor *Lucas's*
Name once mentioned: He further adds, That one of the
Drummers, who inflicted the Punishment, was a sickly Lad,
and the other a Boy; and that no Means whatsoever, to his
Knowledge or Belief, was used towards inflicting said Pu-
nishment with Severity.

Sworn before me, this 6th Day of *April*, 1768.

William Grant.

Robert Willcocks.

County

No. 16.

County *Dublin*, } *ALEXANDER LINDSAY*, Surgeon's
to wit. } Mate to the Royal *Irish* Regiment of
Artillery, came this Day before me, and made Oath, That
he attended on both Days, that *David Blakeney*, Matrofs,
was brought out to receive the Punishment ordered by the
Sentence of the General Court Martial; that he did not
hear any abusive or scoffing Language made use of on either
Day, nor the Prisoner called Scoundrel, Villain, Rascal, or
any other Name; that after said *Blakeney* wounded himself
the first Day, he did not hear any one order him to be tuck-
ed up and whipped; that as it was his Duty to be very near
the Prisoner, if any such Thing happened, or any Abuse
offered, he thinks he must have heard it; that he did not
hear any Orders given to inflict the Punishment with Rigour
or Severity; nor did he observe any Protraction or Delay in
the Execution thereof; nor, to his Knowledge, was any At-
tempt made to pickle him, after the Punishment was over,
no such Method having ever been practised in said Regi-
ment, since he belonged to it; nor did he ever hear of such
a Transaction in it before his Time.

Sworn before me this 6th Day of *April*, 1788.

Alexander Lindsay.

Robert Willcocks.

No. 17.

County *Dublin*, } *JAMES COULSON*, Bombardier,
to wit. } *William Quinn, William Anderson,*
George Haskins, and William James, Matrofses in the Royal
Irish Regiment of Artillery, came this Day before me, and
made Oath, That they were a Guard over *David Blakeney*,
Matrofs, the first Day he was brought to the Grand Parade
in the Barracks, to receive the Punishment ordered by the
General Court Martial; that they did not hear any abusive
Language given, or said Prisoner called Dog, Villain, or
Scoundrel, or any other Name; nor was he ordered to be
tucked up or whipped after he wounded himself; and as
they

they surrounded the Prisoner, if any Thing of the Kind mentioned had happened, they are almost certain they must have heard it; that the said *Blakeney* was clean and well dressed, had nothing shabby in his Apparel; and saith, That no Person could have handed him a Knife without their Knowledge; and that they are positive he did not ask for one, but brought it with him, and saw him search for it, on being ordered to strip.

Sworn before me this 5th Day of *April*, 1768.

James Coulson,
William Quinn,
William Anderson,
George Haskins,
William James,

Robert Willcocks.

No. 18.

County of } *JOHN AUTON*, Serjeant-Major of the
Dublin. } Royal *Irish* Regiment of Artillery, came
this Day before me, and made Oath, That the Sum he
paid *David Blakeney*, by Order of Major *Straton*, was Nine-
pence Halfpenny, one Year's Allowance of Utensil-money,
which he did not think at the Time he had a Right to pay;
nor did he pay any Sum whatever to said *Blakeney*, except
said Nine-pence Halfpenny, since his having exhibited his
Complaints to the late Regimental and General Court Mar-
tial.

Sworn before me, this 7th Day of *April*, 1768.

John Auton.

Robert Willcocks.

No. 19.

County of *Dublin*, } *JOHN STRATON*, Esq; Major of
to wit. } the Royal *Irish* Regiment of Ar-
tillery, came this Day before me, and made Oath, That
no Complaint was made to him, by *David Blakeney*, of Non-
payment of Utensil-money, previous to the Sitting of the
Regimental

Regimental Court Martial; nor was such a Complaint conveyed to Deponent by *Blakeney's* Captain, or any other Person, or in any other Manner, than by hearing *Blakeney's* Articles of Complaint read before Regimental Court Martial; and as it could be but Nine-pence Halfpenny, for one Year's Utenfil-money, that the Regiment could owe *Blakeney* (two Years Utenfil-money being then very near due to the Regiment of Artillery, by the Board of Ordnance) Major *Straton*, through a Desire of doing strict Justice to *Blakeney*, did order the Serjeant Major to pay *Blakeney* one Year's Utenfil-money, being Nine-pence Halfpenny: And Deponent further saith, That upon Examination of said Article before the General Court Martial, said Court seem'd to think that *Blakeney* was not entitl'd to the Nine-pence Halfpenny, which Deponent had ordered to be paid to him.

Sworn before me, this 7th Day of *April*, 1768.

John Straton.

Robert Willcocks.

THE Doctor, Page 43, says, "I am well informed, that, during this Time, many Applications and Offers were made him by different Persons, some of *distinguished Stations* in Life, who all pretended Friendship for him; blamed him for taking my Advice, as they unjustly termed my interposing for Mercy; press'd him to be guided by them, and they would insure him, what I had not Interest to obtain, his Pardon."

As the Doctor had some Foundation for this, he is not quite so blameable as in other Parts; but lest the Reader should imagine he was resolv'd to speak Truth for *once*, I shall insert a Letter which I received from a Gentleman whose humane Interposition gave Birth to this Story.

SIR,

DUBLIN, *April* 10, 1768.

I Think it necessary to inform you, that when I heard that *Blakeney* had wounded himself, I did, out of Compassion, request a Medical Gentleman, who attended the Infirmary, to advise him to make out a Memorial to the Lord Lieutenant, acknowledging his Error, &c. and that I would take Care it should be given in to his Excellency.

L—

L — T — d's known Humanity encouraged me to take this Step; for I thought if *Blakeney* confessed his Fault, and made a proper Submission, it might prevent the Necessity, which must otherwise ensue, of punishing him, for an Example to others.

I also declare, that no Persons of *distinguished Stations* of Life, or otherwise, ever spoke to me on this Head; and that my only Motive was Compassion.

But when I heard he was visited by Doctor *Lucas*, I requested the said Medical Gentleman, by no Means, to speak to him, as I *then* apprehended it would be to no Purpose: Nor was he spoke to from the Time of the Doctor's visiting him, till he was punished; nor any Advice given him to make a Submission, by my Directions: Nor do I believe he was offered a Pardon, on any *particular Terms* (as the Doctor insinuates) or any Advice given him by any other Person whatever.

JOSEPH SIRR.

P. S. The Above I am ready depose, on Oath.

JOSEPH SIRR.

Extract from the Sentence of the General Court Martial.

THE Court are of Opinion, That the Appeal on the said Nine Articles is Vexatious, Groundless, &c.

They therefore sentence him to receive Five Hundred Lashes, at the Head of the Garrison of Dublin.

JOSEPH SIRR, Deputy Judge Advocate.

N. B. *The Depositions referred to in the Remarks, are now lodged, and may be seen, at Mr. Dillon Chamberlaine's, Bookseller, in Dame-street.*

